



JUN 15 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Larry Wittmeyer Jr.
Serial No. : 10/797,956
Filing Date : March 11, 2004
Title : Multi-Functional Stack of Repositionable Sheets

Group/Art Unit : 1794
Examiner : Victor S. Chang
Confirmation No. : 4878

Docket No. : 772204-0006-0002

DECLARATION OF BRANDON FIXSEN UNDER 37 C.F.R. § 1.132

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

I, Brandon Fixsen, hereby declare as follows:

1. I am the Vice President of Operations of TradeNet Publishing, Inc. hereinafter (“TradeNet”), having a business address at 1200 Energy Center Drive, Gardner, Kansas 66030. I have been with TradeNet since approximately 1995.
2. TradeNet is an advertising specialties company in the primary business of selling and manufacturing products for third parties used in the promotion and/or advertising of those third parties’ businesses. TradeNet has been in the advertising specialties business since its formation in approximately 1987.
3. In 2008, TradeNet entered into an agreement with Larry Wittmeyer, the inventor and owner of the above-referenced patent application, to market and sell expandable/retractable sticky-note notepads constructed to mimic the appearance and function of a Slinky® toy as described in the subject patent application. TradeNet agreed

to offer the Slinky® notepad as one of its promotional items available for imprinting with the logo of any interested third party.

4. In January, 2009 TradeNet introduced the notepad at two tradeshows for promotional products. The customer response was extremely positive. In less than six months from its introduction, TradeNet has received over \$200,000 in orders for more than 275,000 custom imprinted notepads from more than 250 different customers, including orders from large, recognizable companies such as Commerce Bank, T-Mobile, Moneygram, Florida Orange Juice, Pepsi Cola and Clarks Department Stores. In my entire career with TradeNet, I have never before offered or seen a promotional product that has received such a large number of orders, or such a large dollar amount of orders, in as short a time as the subject notepad. Based on these initial numbers, I project the Slinky® notepad will become one of our best-selling promotional items and will likely achieve one million dollars in sales the first year.
5. I have received more positive customer feedback regarding the Slinky® notepad than from any product TradeNet has ever offered.
6. The Slinky® notepad received a first place *Counselor* Product Design Award for best desk accessory from the Advertising Specialty Institute (ASI), as featured in their 2009 Awards Issue. A copy of the online version of the 2009 Awards Issue is attached hereto as Exhibit A, with an enlarged view of the page having the Slinky® notepad attached as Exhibit B. The online version of the 2009 Awards Issue is available at <http://www.asicentral.com/asp/open/educationandevents/counselordesignawards/2009.aspx>.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing from this Application.

Date: 6-2-2009

By:


Brandon Fixsen

EXHIBIT A



SEARCH SITE

ASI Central

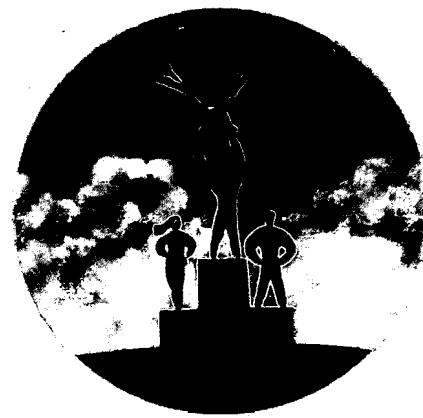
ASI Central > Awards/Events > Counselor Product Design Awards > 2009 Awards



2009 Awards Issue

Mouse Over and Click Categories Below for Testimonials and Runners-up!

Counselor Product Design Awards

[Apparel](#)[Awards](#)[Bags](#)[Calendars](#)[Computer Accessories](#)[Desk Accessories](#)[Drinkware](#)[Electronics](#)[Gift Cards](#)[Housewares](#)[Meeting Products](#)[Sporting Goods](#)[Watches & Jewelry](#)[Writing Instruments](#)

In this third annual awards program, Counselor found some of the most innovative, functional and eye-catching products in the ad specialty industry. Here are the 2009 winners.



Apparel: Performance Cap
Supplier: Cap America Inc. (asi/43702)
Product Description: Featuring Icefil fabric, the cap stays cool and odor-free while offering enhanced protection from UV rays. It uses the same technology that's found in breath mints to convert sweat to a refrigerant.

Distributor Testimonial: "No matter what the weather is, when you wear a hat, your head sweats. The technology of converting sweat to a refrigerant to keep you cool makes this a hat I would show my clients. I work with fast food and fine dining restaurants and the hat would be great for kitchen help and counter help. Also, useful for anyone who is having a golf outing."

— Mike Grossman, vice president of sales, Imagemark (asi/230137)

Runners-Up

1. Fleece Sweatshirt from American Apparel (asi/35297)
2. Executive No-Iron Royal Oxford from Vantage Apparel (asi/93390)

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ASI Internet Radio



Tune in every Tuesday at 10:30 a.m. EST

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Next ASI Show



All Shows

Products of the Week

Style 23-834
Flag Edge Design
Sandwich Visor

View More

Awards: Floating Globe

Supplier: Pinnacle Promotion Supply (asi/78154)
Product Description: Using magnetic suspension, this floating globe hovers or spins in mid-air. It's offered in several colors, with the option of either an oval or piano-shape style.

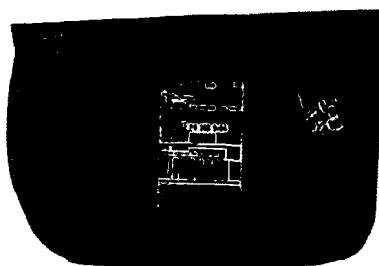
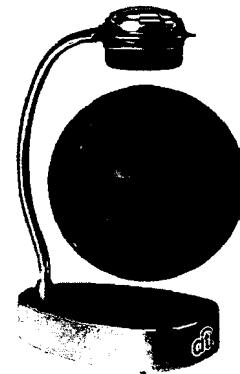
Distributor Testimonial: "The levitating and spinning makes this a great executive gift with a WOW! effect. This item is great for any company with global locations or even just a goal of global expansion. This serves as a great reminder that we can have the world at our fingertips with a little hard work and perseverance."

— Mike Juels, president, Corporate Images Inc. (asi/169081)

Runners-Up

1. Pepsi 500 Award from R.S. Owens (asi/75530)
2. Awards in Motion Illumachrome Andover from Crystal D (asi/47750)

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**Bags: Ship-N-Tote**

Supplier: Fabriko (as/53450)

Product Description: A dual-purpose product, the Ship-N-Tote serves as a unique mailer and an eco-friendly carry bag. The outside is made of protective clear vinyl, but once products are shipped, the recipient can turn it inside-out and transform it into a tote.

Distributor Testimonial: "We had this as a hot pick last year! What a cool piece. You pack it and it is shippable and turns into a tote for the recipient. This could be used by anyone who wants to make an impact as well as get their package opened upon receipt. There is no way anyone wouldn't open it up."

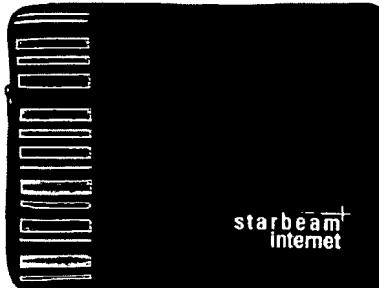
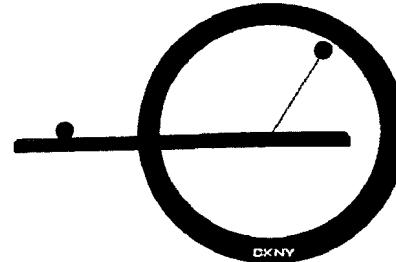
- Michele Allobelli, CEO, Allobelli Advantage Inc. (as/119272)

Runners-Up

1. Life in Motion Bag from Gemline (as/58070)

2. Michael Kors ASTOR Large North/South Tote from Special Markets Marketing (as/88571)

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**Computer Accessories: Laptop Sleeve**

Supplier: Numo (as/74710)

Product Description: This sleeve is offered in 140 color combinations and is made from the same material (Neoprene) that's used in wetsuits. Accent panels are designed by P.K. Reese and three sizes are available.

Distributor Testimonial: "Takes mainstream retail to the promotional industry. Color combinations make it highly customizable. Would be good for professional markets and education."

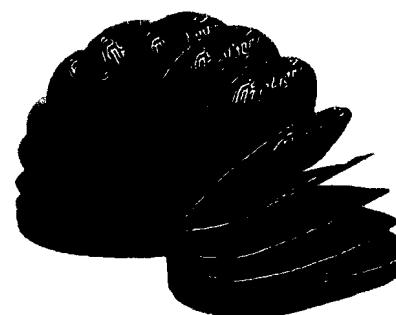
- Sheila Johnshoy, director of promotional products, Deluxe Corporation (as/178720)

Runners-Up

1. Built Cargo Laptop Sleeve from Built NY Inc. (as/42422)

2. Keyboard Slip from Pingline (as/78137)

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**Desk Accessories: Slinky Adhesive Note Pad**

Supplier: TradeNet Publishing (as/01760)

Product Description: Using alternating glue, this springy notepad emulates the popular Slinky toy that most everyone remembers from childhood. It's offered in five colors.

Distributor Testimonial: "What a blast from the past! A cool, fun twist on an everyday useful item. This is ideal for kids of all ages at schools and trade shows, or you can work off the shape of the product and sell to drainage companies that provide culverts or coil/wire companies."

- Julie Harms, supplier relations administrator, Halo/Lee Wayne Corporation (as/356000)

Runners-Up

1. Highlicher Set from Gordon Industries Ltd. (as/57800)

2. Lucky Bamboo from Western Promotions (as/90673)

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Drinkware: 22 oz. Clear Reusable Plastic Cup

Supplier: Visstun (as/93975)

Product Description: Designed to create a visual impact, this cup features high-



definition graphics that can be customized for any logo or message. Other sizes of plastic and paper cups are also available.

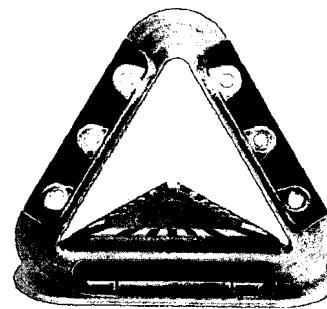
Distributor Testimonial: "I love that it's visually arresting. Great inexpensive giveaway that will get used over and over again. We would focus on selling this to clients who do a great deal of training. It certainly makes a statement about being bold and different."

- Mark Ziskind, COO, CSE ([asi/155807](#))

Runners-Up

1. CamelBak Better Bottle from The Allen Co. ([asi/34330](#))
2. Color Shift Full Color Stoneware Mug from World Wide Lines ([asi/98200](#))

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Electronics: Emergency Flasher

Supplier: KTI Networks Inc. ([asi/63776](#))

Product Description: This device has six super-bright LEDs that can be seen from a long distance. The built-in magnet in the back allows it to be placed on a vehicle's roof.

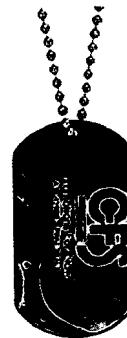
Distributor Testimonial: "This is compact, lightweight and very functional. It's also colorful and gets noticed. I'd sell to the auto industry in the manufacturing, sales, repair and retail areas and also to associations such as AAA."

- Steven DaVeme, owner, Interact LLC ([asi/231579](#))

Runners-Up

1. Drivin Charging Station from International Merchandise Concepts ([asi/62820](#))
2. Pre-Programmed Scrolling Message Badge from CleggPromo ([asi/45450](#))

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GIFT Cards: Metal Dog Tag

Supplier: CFS Promotions for Now! ([asi/42989](#))

Product Description: More than 3.5 million songs are available on this custom, four-color prepaid download card. Compatible with iPods, MP3 players, PCs and Macs. Custom options like parental controls are available as well.

Distributor Testimonial: "Gift cards have become a common transactional tool in most retail environments. These dog tags I think can be used in more than one way, and that is added value. They are worth cash, and you can use them to advertise, track, gain consumer trends and information. We have been promoting these. Anyone is a target."

- Memo Kahan, president, PromoShop Inc. ([asi/300446](#))

Runners-Up

1. Kinetic Band from MediaTree ([asi/70303](#))
2. Reusable Tote Bag Gift Card from Target

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Housewares: Grill Master Apron Kit

Supplier: Gemline ([asi/56070](#))

Product Description: Featuring an insulated adjustable pocket for keeping a beverage cold, this apron is practical for any fan of grilling. There's also a detachable bottle opener, towel and padded oven mitt.

Distributor Testimonial: "Built-in beverage holder, are you kidding? I need one now. I'd pitch it as a gift with the purchase of a new BBQ to home improvement retailers. I can already see the ad in my Sunday circular."

- Jeff Holt, vice president of marketing, Branded Solutions by Edgar Martinez ([asi/145076](#))

Runners-Up

1. MoMA Timesphere Clock from International Merchandise Concepts ([asi/62820](#))
2. Ice River Rolling Cooler from Magnet LLC ([asi/68520](#))

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Meeting Products: Matrix Calculator Portfolio

Supplier: Posh Xcessories Inc. ([asi/79028](#))

Product Description: This portfolio includes a nylon exterior pocket and several interior pockets for iPods, iPhones, business cards, flash drives, calculators and more. It comes packaged in an eco-link drawstring fabric gift bag.

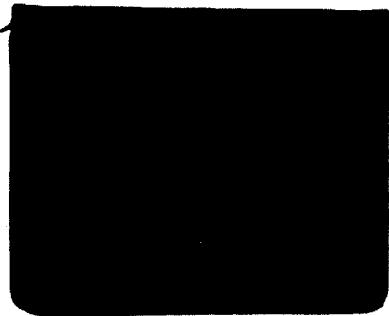
Distributor Testimonial: "A great tool and a great medium to advertise your brand. There is a home for the staple pad of paper, business cards, the iPod and USB drives. This is appealing to any business professional who is constantly battling to stay organized."

- John Henry III, founder, JH Specialty Inc. ([asi/232445](#))

Runners-Up

1. Sticky Note Booklet from BIC Graphic USA ([asi/40480](#))
2. Custom Journal from Journalbooks/Timeplanner Calendars ([asi/91340](#))

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**Sporting Goods: TravelBench Original**

Supplier: TravelChair Co. (asi/01918)

Product Description: Eight feet long when it's expanded, this portable bench seats up to six people (250 lbs. per seat) and then easily folds and stores in a heavy-duty carry bag. No assembly required.

Distributor Testimonial: "I have coached kids' sports from baseball to soccer to lacrosse for 12 years and I have bought one of these personally. They are a fantastic idea and useful to anyone involved with sports, education, Boy Scouts and more. I'd sell it to schools, sports clubs, youth groups, churches, camps and businesses that sponsor teams."

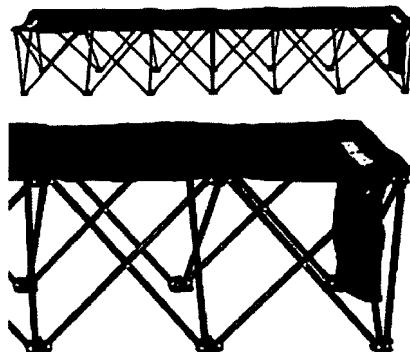
- Rod Brown, CFO, MadeToOrder (asi/259540)

Runners-Up

1. Morph Ball from Jomik Mfg. Corp. (asi/63549)

2. Cool Mister from Way2Cool Inc. (asi/05735)

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**Watches & Jewelry: Lois Hill Cutwork Bracelet**

Supplier: Special Markets Marketing (asi/88571)

Product Description: Hand-crafted and made from sterling silver, this bracelet has cutwork filigree, spaced with granule work links. Weaving replicates selected cultural styles from around the world.

Distributor Testimonial: "The originality of this bracelet and the quality materials make it ideal for recognizing an employee milestone or as a thank-you to a top client. I would promote this product to the fashion and personal service industries."

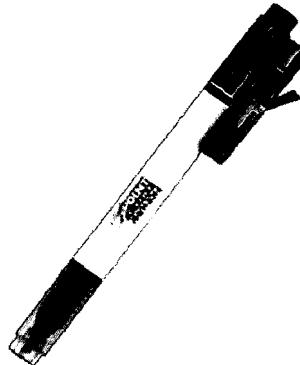
- Greg Muzzillo, CEO, Proforma (asi/300094)

Runners-Up

1. MP3 Watch from Gordon Industries Ltd. (asi/57800)

2. Steps of Hope Awareness Shoe Necklace from BizPins Inc. (asi/40595)

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**Writing Instruments: Post-it Flag Pen and Highlighter Combo**

Supplier: 3M/Promotional Markets Dept. (asi/01240)

Product Description: Offering three marketing tools, this pen/highlighter combo also has a built-in flag dispenser. A logo can be imprinted on the barrel in up to four colors. **Distributor Testimonial:** "This pen is really unique. It would be a good item for trade shows where you could take notes and leave a marker in the page of a catalog that one would pick up. Also, it would be a good item to have at a training session. It could be used to mark pages of any handouts."

- Tom Kaufman, president, Kaufman & Associates (asi/230350)

Runners-Up

1. Logo Projection Pen from Gordon Industries Ltd. (asi/57800)

2. The Motion Pen I from Poppenex (asi/79000)

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EXHIBIT B

**Desk Accessories: Slinky Adhesive Note Pad**

Supplier: TradeNet Publishing (asi/9776)

Product Description: Using alternating glue, this springy notepad emulates the popular Slinky toy that most everyone remembers from childhood. It's offered in five colors.

Distributor Testimonial: "What a blast from the past! A cool, fun twist on an everyday useful item. This is ideal for kids of all ages at schools and trade shows, or you can work off the shape of the product and sell to drainage companies that provide culverts or coilwire companies."

— Julie Hams, supplier relations administrator, HalolLee Wayne Corporation (asi/356000)
Runners-Up
 1. Highlighter Set from Gordon Industries Ltd. (asi/5780)
 2. Lucky Bamboo from Western Promotions (asi/96673)
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**Drinkware: 22 oz. Clear Reusable Plastic Cup**

Supplier: Vistastun (asi/93975)

Product Description: Designed to create a visual impact, this cup features high-definition graphics that can be customized for any logo or message. Other sizes of plastic and paper cups are also available.

Distributor Testimonial: "I love that it's visually arresting. Great inexpensive giveaway that will get used over and over again. We would focus on selling this to clients who do a great deal of training. It certainly makes a statement about being bold and different."

— Mark Ziskind, COO, CSE (asi/55607)

Runners-Up
 1. Camelbak Beiter Bottle from The Allen Co. (asi/34330)
 2. Color Shift Full Color Stoneware Mug from World Wide Lines (asi/98290)
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Electronics: Emergency Flasher

Supplier: KTI Networks Inc. (asi/63776)

Product Description: This device has six super-bright LEDs that can be seen from a long distance. The built-in magnet in the back allows it to be placed on a vehicle's roof.

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Runners-Up
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